

- (A) rail,
- (B) road,
- (C) any combination of rail and road, or
- (D) any sea crossing of less than one hundred and fifty kilometers, if preceded or followed by one or more land journeys as referred to in clauses (A), (B), and (C) of this paragraph, and the perishable foodstuffs are shipped in the same equipment used for such land journeys without transloading of such foodstuffs.

In the case of any transportation that involves one or more sea crossings other than as specified in clause (D) of this paragraph, each land journey shall be considered separately.

(6) The term “United States” means the fifty States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands of the United States, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

(Pub. L. 97-325, § 3, Oct. 15, 1982, 96 Stat. 1603.)

§ 4403. Duties of Secretary of Agriculture

The Secretary of Agriculture of the United States shall be the competent authority to implement the agreement. To ensure compliance with the standards specified in the agreement, the Secretary of Agriculture may—

- (1) designate appropriate organizations to inspect or test equipment, or both;
- (2) issue certificates of compliance in accordance with annex 1, appendix 1, paragraph 4 of the agreement;
- (3) prescribe such regulations as may be necessary to implement the agreement and administer this chapter, including, but not limited to, provision for suspending or denying the designation of any organization to inspect or test equipment and for denying the issuance of certificates of compliance as may be necessary to ensure compliance with the provisions of this chapter and the regulations issued thereunder;
- (4) make periodic onsite inspections of facilities and procedures used by those seeking certificates of compliance and by organizations designated to test or inspect equipment under this chapter;
- (5) require submission of reports by those seeking certificates of compliance and by organizations designated to test or inspect equipment under this chapter;
- (6) require maintenance of records by those seeking certificates of compliance and by organizations designated to test or inspect equipment under this chapter, such records to be made available to the Secretary upon request;
- (7) inform contracting parties, through the Secretary of State of the United States, of all general measures taken in connection with the implementation of the agreement; and
- (8) take such other action as may be considered appropriate to implement the agreement and administer this chapter.

(Pub. L. 97-325, § 4, Oct. 15, 1982, 96 Stat. 1604.)

§ 4404. Duties of Secretary of State

The Secretary of State, with the concurrence of the Secretary of Agriculture, may take such action as may be considered appropriate to assert and protect the rights of the United States under the agreement.

(Pub. L. 97-325, § 5, Oct. 15, 1982, 96 Stat. 1605.)

§ 4405. Fees and charges

(a) Testing or inspection

Any organization designated by the Secretary of Agriculture to test or inspect equipment may establish reasonable fees to cover the costs of such testing or inspection. Such fees shall be payable directly to the organization by those seeking inspection or testing.

(b) Issuance of certificates of compliance

The Secretary of Agriculture may, effective October 1, 1982, fix and cause to be collected reasonable fees to cover, as nearly as practicable, the costs to the Department of Agriculture incurred in connection with the issuance of certificates of compliance as provided under section 4403(2) of this title. All fees collected shall be credited to the current appropriation account that incurs the cost and shall be available without fiscal year limitation to pay the expenses of the Secretary of Agriculture incident to the issuance of certificates of compliance under this chapter.

(Pub. L. 97-325, § 6, Oct. 15, 1982, 96 Stat. 1605.)

§ 4406. Authorization of appropriations

There are authorized to be appropriated to the Secretary of Agriculture for the fiscal year beginning October 1, 1982, and for each fiscal year thereafter, such sums as are necessary to carry out the provisions of this chapter, but not to exceed \$100,000 in any fiscal year.

(Pub. L. 97-325, § 7, Oct. 15, 1982, 96 Stat. 1605.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 97-325 which enacted this chapter and section 2212c of this title, amended sections 5315 and 5316 of Title 5, Government Organization and Employees, repealed section 3 of Reorg. Plan No. 2 of 1953, and enacted provisions set out as a note under section 2212c of this title.

CHAPTER 76—DAIRY RESEARCH AND PROMOTION

SUBCHAPTER I—DAIRY PROMOTION PROGRAM

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SUBCHAPTER II—DAIRY RESEARCH PROGRAM

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SUBCHAPTER I—DAIRY PROMOTION PROGRAM

§ 4501. Congressional findings and declaration of policy

(a) Congress finds that—

(1) dairy products are basic foods that are a valuable part of the human diet;

(2) the production of dairy products plays a significant role in the Nation's economy the milk from which dairy products are manufactured is produced by thousands of milk producers, and dairy products are consumed by millions of people throughout the United States;

(3) dairy products must be readily available and marketed efficiently to ensure that the people of the United States receive adequate nourishment;

(4) the maintenance and expansion of existing markets for dairy products are vital to the welfare of milk producers and those concerned with marketing, using, and producing dairy products, as well as to the general economy of the Nation; and

(5) dairy products move in interstate and foreign commerce, and dairy products that do not move in such channels of commerce directly burden or affect interstate commerce of dairy products.

(b) It, therefore, is declared to be the policy of Congress that it is in the public interest to authorize the establishment, through the exercise of the powers provided herein, of an orderly procedure for financing (through assessments on all milk produced in the United States for commercial use and on imported dairy products) and carrying out a coordinated program of promotion designed to strengthen the dairy industry's position in the marketplace and to maintain and expand domestic and foreign markets and uses for fluid milk and dairy products. Nothing in this subchapter may be construed to provide for the control of production or otherwise limit the right of individual milk producers to produce milk or the right of any person to import dairy products.

(Pub. L. 98–180, title I, § 110, Nov. 29, 1983, 97 Stat. 1136; Pub. L. 107–171, title I, § 1505(h)(1), May 13, 2002, 116 Stat. 210.)

AMENDMENTS

2002—Subsec. (b). Pub. L. 107–171 inserted “and on imported dairy products” after “commercial use” and struck out “produced in the United States” after “fluid milk and dairy products” in first sentence and inserted

“or the right of any person to import dairy products” before period at end of second sentence.

SHORT TITLE

For short title of title I of Pub. L. 98–180 as the “Dairy Production Stabilization Act of 1983”, see Short Title of 1983 Amendment note set out under section 1421 of this title.

§ 4502. Definitions

As used in this subchapter—

(a) the term “Board” means the National Dairy Promotion and Research Board established under section 4504 of this title;

(b) the term “Department” means the Department of Agriculture;

(c) the term “Secretary” means the Secretary of Agriculture;

(d) the term “milk” means any class of cow's milk;

(e) the term “dairy products” means products manufactured for human consumption which are derived from the processing of milk, and includes fluid milk products;

(f) the term “fluid milk products” means those milk products normally consumed in liquid form as a beverage;

(g) the term “person” means any individual, group of individuals, partnership, corporation, association, cooperative, or any other entity;

(h) the term “producer” means any person engaged in the production of milk for commercial use;

(i) the term “promotion” means actions such as paid advertising, sales promotion, and publicity to advance the image and sales of and demand for dairy products;

(j) the term “research” means studies testing the effectiveness of market development and promotion efforts, studies relating to the nutritional value of milk and dairy products, and other related efforts to expand demand for milk and dairy products;

(k) the term “nutrition education” means those activities intended to broaden the understanding of sound nutritional principles including the role of milk and dairy products in a balanced diet;

(l) the term “United States” as used in sections 4501 through 4508 of this title means the forty-eight contiguous States in the continental United States;

(m) the term “imported dairy product” means any dairy product that is imported into the United States (as defined in subsection (l) of this section), including dairy products imported into the United States in the form of—

(1) milk, cream, and fresh and dried dairy products;

(2) butter and butterfat mixtures;

(3) cheese; and

(4) casein and mixtures;

(n) the term “importer” means a person that imports an imported dairy product into the United States; and

(o) the term “Customs” means the United States Customs Service.

(Pub. L. 98–180, title I, § 111, Nov. 29, 1983, 97 Stat. 1136; Pub. L. 107–171, title I, § 1505(a), (h)(2), May 13, 2002, 116 Stat. 207, 210.)